

# **FY 2004 Request for Proposals: Tribal Drinking Water and Wastewater Baseline Needs Assessment**

## **Full Text Announcement**

### **I. Funding Opportunity Description**

**Purpose:** To build tribal environmental capacity by determining the current status of drinking water and wastewater (1) infrastructure needs and (2) operation and maintenance needs (in terms of technical, managerial, and financial capacity) in Indian Country within Arizona, California, and Nevada, including the Navajo Nation.

**Background:** The tribal representatives of the U.S. Environmental Protection Agency (EPA), Region 9, Regional Tribal Operations Committee (RTOC) have requested that EPA facilitate the development of a baseline assessment of tribal drinking water infrastructure and operation and maintenance needs. A global commitment to “*halve the proportion of people without sustainable access to safe drinking water by the year 2015*” was reached at the 2002 World Summit on Sustainable Development in Johannesburg, South Africa. EPA has committed to addressing this goal for Indian Country in its 2003-2008 Strategic Plan. Tribes in Region 9 have made this objective a top priority and are seeking assistance in working with other federal agencies to achieve this and other tribal drinking water goals.

In addition to the needs of regulated public water systems, the tribes have raised the needs of residents who must resort to hauling water or those of water systems that are small and unregulated that are falling between the cracks by federal assistance programs. Therefore, a Baseline Needs Assessment would also examine the needs of tribal communities that are using alternative sources of drinking water. A number of federal agencies including EPA, Bureau of Indian Affairs (BIA), Indian Health Service (IHS), U.S. Department of Agriculture (USDA) - Rural Utilities Service, and the U.S. Department of Housing and Urban Development (HUD) have formed an Inter-Agency Tribal Drinking Water and Wastewater Workgroup to address tribal drinking water issues. A subset of this group including technical assistance providers such as the Rural Community Assistance Corporation (RCAC), the Inter-Tribal Council of Arizona (ITCA), the National Tribal Environmental Council (NTEC), California and Nevada Rural Water, and the Arizona Small Utilities Association (ASUA), as well as a number of tribal representatives are currently focusing on the development of the Baseline Needs Assessment.

During a January 2004 meeting held in Arizona to discuss this needs assessment, it was requested by the tribal representatives that were in attendance that wastewater also be added to the Baseline Needs Assessment. Since the needs for both drinking water and wastewater are likely to be similar, and the involved agencies have programs that address both tribal sanitary needs, it was decided that wastewater should be added to this project. This assessment will focus on all wastewater treatment needs for the communities. This includes individual septic systems

to advanced wastewater treatment systems that might be on tribal lands, even though not all may be regulated by federal agencies.

Drinking Water Infrastructure Needs: EPA conducts a needs survey in the form of a statistical sample every four years to assess national drinking water infrastructure needs for the primary purpose of addressing compliance with current and future federal rules. A limited number of public water systems are randomly chosen for participation in the survey. Information collected is used to generate overall national needs and to allocate federal infrastructure funding. The information contained in the EPA needs survey database is not system-specific and would provide little useful information for inclusion in the Baseline Needs Assessment.

IHS maintains a database of drinking water infrastructure needs of tribal homes called the Sanitary Deficiency System (SDS). Every year tribal governments are given the opportunity to work with IHS to submit projects for the SDS list. The IHS SDS contains comprehensive information on tribal drinking water infrastructure needs and would provide valuable information for inclusion in the Baseline Needs Assessment.

The IHS database could serve as the framework from which to expand and include information from other federal agencies, non-profit organizations working with tribes, and tribal governments.

Wastewater Infrastructure Needs: Under the Safe Drinking Water Act's Underground Injection Control (UIC) program and the Clean Water Act's Non-Pollutant Discharge Elimination System Compliance (NPDES) program, EPA conducts periodic inspections of tribal wastewater facilities. The inspections are conducted to ensure compliance with the UIC and NPDES regulations. Therefore, only systems that inject via subsurface disposal or surface water discharge are inspected. Reports summarizing the results of the inspections are usually drafted after each inspection. Such reports include information on systems that range from septic systems to advanced wastewater treatment systems. Some of the reports could be useful in pointing out wastewater infrastructure needs or current systems' inadequacies.

RCAC conducts Operation and Maintenance Evaluations (OMEs) of tribal wastewater facilities. A limited number of systems is selected for this review each year. The information provided in the generated reports could be useful for identifying some of the infrastructure needs.

The SDS list maintained by the IHS, mentioned above, also contains wastewater infrastructure needs of tribal homes. The IHS SDS contains comprehensive information on tribal wastewater infrastructure needs and would provide valuable information for inclusion in the Baseline Needs Assessment.

EPA issues grants to tribes under the Tribal Border Infrastructure Grant Program and the Clean Water Act's Tribal Set-Aside Program. EPA maintains information on the projects that have been funded. This information can be useful to determine if the needs have been met. Proposals that have not been funded are also maintained and can be reviewed to seek such information.

EPA's *Clean Watersheds Needs Survey 2000 Report to Congress* contains some information on the needs for tribal wastewater treatment and collection facilities. However, this information is

limited because the states enter this information and not the tribes and is, therefore, not complete.

**Drinking Water Operation and Maintenance Needs:** Information on the operation and maintenance needs of water systems serving tribes and the technical, financial, and managerial capacity of the owners/operators of these systems are not well documented. EPA maintains a regional database on tribal Public Water Systems and their compliance with the Safe Drinking Water Act. IHS has an Operation and Maintenance Data System (OMDS) which contains basic information about the operation and maintenance of tribal water systems. Information from these existing databases, along with information from other federal agencies and non-profit organizations working with tribes, will need to be compiled in order to quantify technical, managerial and financial capacity needs of tribes in operating and maintaining their drinking water systems.

**Wastewater Operation and Maintenance Needs:** Information on the operation and maintenance needs of wastewater systems and the technical, financial, and managerial capacity of the operators of these systems is not well documented. As mentioned above, under the UIC and NPDES programs, inspections are conducted to review certain types of wastewater facilities. The reports generated under these inspections could provide some information regarding the management of such systems.

The OME's that are conducted by RCAC could provide similar information.

Under the Tribal Border Grant Infrastructure Program, a Capacity Checklist is completed for each recipient and submitted to EPA. In addition, each grant recipient is to complete a five-year Operation and Maintenance Plan by the end of the project. Since many of the wastewater projects under the program have not yet been completed, the number of five-year plans is limited at this time.

**Scope of Work:** The Baseline Needs Assessment will address present drinking water and wastewater infrastructure and operation and maintenance needs of tribal communities within Arizona, California, Nevada, and the Navajo Nation to include public water systems as defined under the Safe Drinking Water Act (SDWA), as well as unregulated, individual, government-owned, and privately-owned water and wastewater systems.

Tasks to be completed by the grantee must include, but are not limited to:

- Coordination of the collection of available information on tribal drinking water and wastewater needs from federal agencies and less than ten tribal technical assistance providers such as RCAC, ITCA, NTEC, California and Nevada Rural Water, and ASUA.
- Compilation and analysis of existing available drinking water and wastewater infrastructure and operations and maintenance (O&M) information.
- Coordination with the Needs Assessment Workgroup, a sub-group of the Inter-Agency Tribal Drinking Water and Wastewater Workgroup, including scheduling conference calls and/or meetings as requested, necessary, or appropriate.
- Preparation of written quarterly progress reports.
- Preparation of a draft report that summarizes, at a minimum, the existing information

available from federal agencies and technical assistance providers and recommendations for future activities based on the findings.

- Send the draft report to the federal agencies, technical assistance providers, and tribes for review and comment.
- Preparation of a final report incorporating comments from the Needs Assessment Workgroup as well as the federal agencies, technical assistance providers, and tribes.

**Information in the Baseline Needs Assessment:** The Baseline Needs Assessment will provide information on the existing baseline of tribal drinking water and wastewater needs broken down by tribal communities within Arizona, California, Nevada, the Navajo Nation, and the Border Region. Information reported will include:

Water Infrastructure Needs Information:

- A summary of existing data on existing infrastructure needs (needs will be determined based on reasonable industry standards such as compliance with the Safe Drinking Water Act Primary and Secondary Standards, Ten State Standards, etc.).
- An analysis of data gaps, including needs for types of facilities not currently reported in the IHS SDS.
- An analysis of other sources of data which could be used to supplement the SDS.
- Approximate number of homes hauling water.
- Approximate cost to address needs of those hauling water.
- Discussion of needs associated with unregulated water systems.
- An estimate of existing total water infrastructure funding needs and a margin of error analysis.

Wastewater Infrastructure Needs Information:

- A listing of the existing systems located on tribal lands.
- A summary of existing data on existing infrastructure needs for each system. The needs will focus on the condition of all aspects of the wastewater treatment system: collection, treatment, and disposal. The condition will be based on compliance with applicable regulations (e.g., UIC and NPDES), acceptable engineering design standards considering the number of people served, type of treatment system, and the soils/geology. The needs will also be based on whether the current system presents or potentially presents a threat to public health, groundwater, and/or surface water.
- An analysis of data gaps, including needs for types of facilities not currently reported in the IHS SDS, and EPA's UIC and NPDES Inspection Reports.
- An estimate of existing total wastewater infrastructure funding needs and a margin of error analysis.

Drinking Water Operation and Maintenance Needs Information:

- Number, classification, and population of public water systems.
- Safe Drinking Water Act compliance rates for public water systems:
  - S monitoring
  - S health-based
  - S microbials
  - S chemicals.
- Percentage of public water systems with:

- S certified operators
- S as-built drawings
- S normal operating pressures
- S records of production, demand, water loss, chemical usage, chlorine residuals, water levels in storage tanks, distribution breaks, customer complaints, new connections/disconnections, monitoring results under the SDWA (five years for microbials, 10 years for chemicals), etc.
- S Record keeping systems for maintenance/repair activities
- S stand-by equipment
- S O&M manual
- S five-year operating plan
- S emergency response plan
- S utility boards
- S codes and ordinances
- S budget
- S monthly statements of revenues and expenses
- S water meters
- S leak detection and repair programs
- S cross-connection control programs
- S adequate number of employees (full-time vs. part-time, reasonable wages)
- S volunteer staff.
- Percentage of tribes using different categories of financial resources to fund water system costs such as user fees or tribal general funds.
- Percentage of tribes that have a drinking water system budget independent of other tribal programs.
- Discussion of other barriers to providing safe drinking water such as the need for public education, better planning for growth, lack of economy of scale for isolated homes, etc.

#### Wastewater Operation and Maintenance Needs Information:

- Number, type, and population served by wastewater treatment and disposal systems.
- UIC and NPDES compliance rates for large capacity subsurface disposal and surface water discharging wastewater systems:
  - S monitoring of effluent and disposal areas
  - S operation and maintenance records.
- Operating problems (sewage overflows, surfacing effluent from leachfields, overflowing septic tanks, contamination to drinking water, surface water, ground water, etc.).
- Percentage of wastewater systems with:
  - S operation and maintenance programs (including small individual septic systems and leachfields for individual homes or buildings, large wastewater treatment plants, etc.)
  - S certified operators (by any certifying entity, ITCA, states, AWWA, etc.)
  - S as-builts of collection, treatment and disposal systems
  - S records of disposal, chemical usage, distribution breaks, new connections/disconnections, monitoring results under the UIC or NPDES, etc.
  - S record keeping for maintenance/repair activities
  - S stand-by equipment for wastewater treatment plants
  - S O&M manual for wastewater treatment plants

- S five-year operating plan
- S emergency response plan
- S utility boards for community systems
- S codes and ordinances
- S oversight of all wastewater treatment on the reservation
- S budget
- S monthly statements of revenues and expenses
- S wastewater meters
- S leak detection and repair programs
- S cross-connection control programs
- S adequate number of employees (full-time vs. part-time, reasonable wages)
- S volunteer staff
- S adequate training for employees.
- Percentage of tribes using different categories of financial resources to fund wastewater system costs such as user fees or tribal general funds.
- Percentage of tribes that have a waste water system budget independent of other tribal programs.
- Discussion of other barriers to providing adequate treatment and disposal of wastewater such as the need for public education, better planning for growth, lack of economy of scale for isolated homes, etc.

**Collection of Information:** This grant is not part of an effort to collect information from more than ten different entities. EPA will be providing grant funds to a tribe or tribal consortium that will gather information from the records of federal agencies and a total of less than ten non-federal tribal service providers. The grantee may not use this grant funding or any other federal funding sources to collect information from entities other than those described in this solicitation without confirming with EPA that the information collected will not be in violation of the Paperwork Reduction Act. The entity will compile and analyze data, provide tribes the opportunity to validate the data collected, and obtain permission from tribes to use the data collected. The entity will prepare a draft of the Baseline Needs Assessment for review by the Inter-Agency Tribal Drinking Water and Wastewater Workgroup, federal agencies, and tribes and will revise the document based on comments received. Information will be presented in summary form, such as the percentage of tribal water systems with full time operators. An appendix will be included with tribal specific information for the purpose of targeting resources to most effectively address the specific needs. Each tribe will be given an opportunity to identify information specific to their tribe that they do not want included in the report.

**Time Frame:** The information compilation and analysis phase and draft report should be completed by March 2005, with the final report completed by May 2005.

**Information Collection and Release Restrictions:** The Paperwork Reduction Act prohibits federal agencies from collecting survey information from ten or more recipients without first gaining the approval of the Office of Management and Budget. This restriction effectively means that data collection during the first phase of this project must be completed without requiring completion of questionnaires by individual tribes. Subsequent phases could be carried out under Paperwork Reduction Act requirements if it is found that survey work must be completed.

All information provided to federal agencies must be released if requested under the Freedom of Information Act. Information provided in this assessment must not, therefore, include information considered by tribes to be confidential or otherwise not public information.

## **II. Award Information**

EPA Region 9 will award a grant to a tribe or tribal consortium between \$50,000 to \$100,000 to fund the development of the Baseline Needs Assessment report.

## **III. Eligibility Information**

**Matching Costs:** Grantees are not required to provide matching funds under this grant.

**Eligible Recipients:** Federally-recognized Indian tribes within EPA Region 9 and intertribal consortia are eligible to receive funding for this grant. An intertribal consortium is defined as a partnership between two or more tribes authorized by the governing bodies of those tribes to apply for and receive assistance under this program. An intertribal consortium is eligible to receive this grant if the consortium can adequately document compliance with the following requirements:

- (1) a majority of its members meet the eligibility requirements to apply for this grant
- (2) all members that meet the eligibility requirements authorize the consortium to apply for and receive the grant
- (3) only members that meet the eligibility requirements will benefit directly from the grant project and the consortium agrees to a grant condition to that effect.

EPA is soliciting Initial Proposals from tribes and tribal consortium interested in applying for federal assistance for grant funding through the Indian General Assistance Program Act of 1992 (GAP) (CFDA 66.926) and/or §1442 of the Safe Drinking Water Act (42 USC § 300j-1) (CFDA 66.606). Assistance will be targeted to applicants who have successfully demonstrated the ability to carry out Federal grant programs. No matching funds are required. However, applicants may provide a non-federal cash or in-kind match to indicate the organizations commitment to completing the project. Costs incurred prior to grant award will not be reimbursed.

## IV. Initial Proposal Submission Information

**CORRECTION due to extension of submittal date: A full grant application package (with proposal/workplan, SF424, SF424A, and other applicable forms and certifications) must be received by EPA by June 18, 2004.** The application kit with instructions for completing all of the necessary forms may be downloaded at the following website:

<http://www.epa.gov/region09/funding/applying.html> (click on Regular Award). If you need an application kit mailed to you, please contact Linda Struna at (415) 972-3723 or by e-mail at [struna.linda@epa.gov](mailto:struna.linda@epa.gov).

It is recommended that confidential information not be included in the proposal/workplan. Costs incurred prior to grant award will not be reimbursed. Funds available for this project will come from GAP (up to \$50,000) and/or the Public Water System (PWS) Capacity Program (up to \$50,000). The PWS funding can only be used for the portion of the needs assessment related to regulated public water systems. While a combined budget and workplan may be submitted, the activities and funding associated with each pot of funding, if the funding will be from both sources, will need to be identified in the proposal and tracked separately throughout the life of the grant.

The following format should be used for all proposals:

**Project Proposal/Workplan:** The Proposal should include a detailed description of the work to be undertaken, the objectives to be accomplished, funding required for each task, the amount of time devoted to each task, the time schedule by which tasks are to be started and completed, and the staff person responsible for completing the task. Clearly state the deliverables to be submitted during the course of the project, including the due dates.

A. Provide a **description** of the project and how it will serve the tribal community. Enumerate the tasks or activities that are involved with a brief description of each, including outputs and results.

B. Include quarterly and final **progress reporting** to EPA as a separate task in the workplan proposal. Quarterly and final reports should include, at a minimum, the following items:

- Update progress **status** for each workplan task
- Explain/describe delays or **problems**
- **Update schedules/deadlines**, if they have changed
- Summary of incurred **costs** by task category
- **Attach deliverables** as identified in workplan

B. Develop a **schedule** that identifies the time to complete each task and the schedule for completion. Deadlines for draft and final products or deliverables should be built into the schedule.



C. Provide a **budget** breakdown of the project costs. Associate costs with each activity or task; identify funding sources (tribal share, EPA share, other, etc.). Note whether the tribe is currently being funded by other EPA grant programs.

D. Identify the **staff** that will conduct the tasks/activities funded and their qualifications. If training or hiring of staff is required, the specific training or hiring mechanism and time-frames should be identified. If the applicant intends to contract for the proposed tasks, a clear justification of how this will help develop tribal infrastructure and capability should be provided.

E. Project **deliverables or results** should be clearly defined and associated with a schedule and deadlines.

**Please send three copies of the Initial Proposal to:**

Bessie Lee  
U.S. EPA Region 9 (CMD-3)  
75 Hawthorne Street  
San Francisco, California 94105

For additional information, please contact Bessie Lee at (415) 972-3776, Sara Jacobs at (415) 972-3564, or Lisa Penaska at (415) 972-3544.

## **V. Initial Proposal Review Information**

EPA will award this grant on a competitive basis.

Proposals will be evaluated based on the following criteria:

- Responsiveness of the proposed project to the requirements and priorities identified in this notice.
- Demonstration of capability to administer the grant (i.e., qualified staff and/or past performance under EPA grants including progress on workplan tasks and fiscal accountability).
- Realistic and cost effective budget.
- Leverage of other resources (e.g., cost share, participation by other organizations) as part of the proposed approach.
- Feasibility for the achievement of the proposed scope of work considering available resources.

The proposals will be evaluated by EPA staff based on the above criteria on a scale of 1 to 5, with 1 being low and 5 being high. The criteria above will have essentially equal weight. The selected tribe or tribal consortia will be notified and requested to submit a full application.

## **VI. Award Administration**

The selected tribe or tribal consortium will be invited to submit a complete application for funding including the SF424 form and detailed workplan. Receipt of an application kit is not a guarantee of funding. Regulations concerning criteria for approving an application can be found in 40 CFR Part 35.511.

**Regulations governing the award and administration of environmental program grants for tribes can be found at 40 CFR Part 31 and 40 CFR Part 35, Subparts A and B.**

### **Quarterly project status reports and annual Financial Status Reports will be required.**

Quarterly reports should describe project activities and provide the EPA Project Officer with information about project development. The Financial Status Report must accurately account for all federal funds expended and identify appropriate use of federal funds.

**Disputes:** Procedures at 40 CFR 30.63 and 40 CFR 31.70 will apply.

**Confidentiality:** Applicants must clearly mark information they consider confidential and EPA will make confidentiality decisions in accordance with EPA Regulations at 40 CFR, Part 2, Subpart B.

**EPA reserves the right to reject all proposals and to not make any awards.**

## **VII. Agency Contact**

For additional information, please contact:

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